

REMARKS

This is in full and timely response the Office Action mailed on December 10, 2004. Reexamination in light of the following remarks is respectfully requested.

Claims 1-18 and 22-46 are currently pending in this application, with claims 24, 26 and 44 being independent.

No new matter has been added.

Personal interview

Appreciation is expressed to Primary Examiner Myhre for extending the courtesy of a personal interview on December 22, 2004 with Steven R. Boal, Ronald P. Kananen, Brian K. Dutton.

That interview included a discussion of U.S. Patent No. 5,835,061 to Stewart and U.S. Patent No. 5,715,314 to Payne et al. (Payne). In accordance with the Examiner's helpful suggestions presented during the interview, claims 1, 26 and 44 have been amended to include *the device ID being insufficient to specifically identify the user* and claim 24 has been amended to include *disabling future use of the invoked URL*.

Allowance of the claims is respectfully requested.

Specification objection

Filed herewith is a redline copy of the substitute specification showing the matter being added to and the matter being deleted from the specification of record. Also filed herewith is a substitute specification submitted in clean form without markings as to the amended material.

This substitute specification is filed to correct typographical errors. Moreover, during the telephone interview of July 17, 2002 with Examiner Champagne, it was agreed that the terms “device ID” and “device information” are defined within the specification as originally filed. Reference to this agreement has been included within the Request for Reconsideration filed on July 18, 2002. Accordingly, the substitute specification includes no new matter.

Entry of the substitute specification is respectfully requested.

Response to Request for Reconsideration

The Office Action indicates that the Response To Non-Final Office Action Of May 11, 2004 filed on August 10, 2004 is sufficient to overcome the use of 6,377,986 to Philyaw et al. (Philyaw) as a reference. Appreciation is expressed for this indication.

Although the non-final Office Action of May 11, 2004 includes the use of Philyaw in the rejection of the claims, the non-final Office Action of May 11, 2004 additionally includes the use of U.S. Patent 6,298,446 to Schreiber et al. (Schreiber) and U.S. Patent 6,385,591 to Mankoff in the rejection of the claims. However, the Office Action of December 10, 2004 fails to provide an indication as to the status of either Schreiber or Mankoff.

In this regard, the Response To Non-Final Office Action Of May 11, 2004 provides that to the extent that Schreiber is relied on for a disclosure having an effective date of May 11, 1999, the Applicant's Rule 131 declaration shows a conception of the use of the URL features at least as early as June 6, 1998 (the “Walsh memorandum as Exhibit D of the Declaration) and a disclosure of the invention on January 4, 1999 referring, among other things to the device ID, sufficient to antedate the Schreiber and Mankoff references. Still further, Exhibit E to the Boal Declaration dated January 4, 1999 notes that the system was complete and that the system used a device ID. Thus, the Applicant antedates both Schreiber and Mankoff as to the device ID.

Clarification regarding the status of Schreiber and Mankoff is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 26, 28, 30-32 and 44 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 5,835,061 to Stewart.

This rejection is traversed at least for the following reasons.

Claim 26 includes the steps of:

collecting device information from a client system, the device information being insufficient to specifically identify a user of the client system;

associating a device ID with the device information at a main server system, the device ID being insufficient to specifically identify the user;

selecting a coupon according to the device ID to thereby identify the coupon appropriate for said user based on the device information; and,

transmitting the selected coupon from the main server system to the client system.

Claim 44 includes the features of:

means for collecting device information from a user of a client system indicative of one or more demographic characteristics of the user, the device information being insufficient to specifically identify the user;

means for associating a device ID with the device information at a main server system, the device ID being insufficient to specifically identify the user;

means for selecting coupons according to the device ID to thereby identify coupons appropriate for the user based on the user's demographic characteristics; and,

means for transmitting the selected coupons from the main server system to the client system.

Stewart arguably teaches a method and apparatus for a geographic-based communications service. Figure 1 of Stewart arguably teaches a geographic-based communications service system that includes a mobile unit (e.g., portable computer) 5, an AP (access point) 10, an information provider 20, a management information base (MIB) 25 and a centralized network 15 (Stewart at column 3, lines 45-50).

Stewart arguably teaches a public switched telephone network (PSTN), whereby the user of the mobile unit 5 sends and receives information from/to the PSTN or other communication network through a service provider (Stewart at column 7, lines 52-55).

However, the Office Action fails to clearly set forth the feature found within Stewart that is intended to be the claimed device ID, and fails to clearly set forth the feature found within Stewart that is intended to be the claimed device information.

Moreover, Stewart fails to disclose, teach or suggest collecting device information from a user of a client system without obtaining information sufficient to specifically identify the user. As noted hereinabove, Stewart is not specific as to the type of information that is collected from the user of the mobile unit 5.

In addition, Stewart arguably teaches that mobile unit 5 would also be equipped with a code generator which generates *an identification code* that can be transmitted to and recognized by the access point 10 or a system accessed through access point 10 (Stewart at column 3, lines 57-60). Such *an identification code* found within Stewart allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism (Stewart at column 3, lines 60-63).

When a beacon signal output from the mobile unit 5 of Stewart is detected and received by AP 10, information in the beacon signal identifying the mobile unit is transmitted back to network 15, and the information sent back to network 15 includes the identification

number of the mobile unit 5 and AP 10, thereby identifying both the user and his location to the network (Stewart at column 5, lines 40-46).

Using this identification and location data, Stewart further teaches that network 15 provides desired services (or arranges to provide desired services by accessing appropriate providers) and essential information to the user of the mobile unit 5 (Stewart at column 5, lines 46-50).

As another example within Stewart, when the user of the mobile unit 5 arrives at the airport, his identity, as well as the fact that he is at the airport, is detected by AP 10 and transmitted to the network, for example using the beacon signal emitted from his mobile unit 5 (Stewart at column 7, lines 8-13).

At the very least, collecting device information from a client system, *the device information being insufficient to specifically identify a user of the client system*; and associating a device ID with the device information at a main server system, *the device ID being insufficient to specifically identify the user* are not found within Stewart.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 24 and 25 were rejected under 35 U.S.C. §103 as allegedly being obvious over U.S. Patent No. 5,715,314 to Payne et al. (Payne).

This rejection is traversed at least for the following reasons.

Claim 24 includes the steps of:

associating a Uniform Resource Locator (URL) with a coupon, a promotional code being appended to the URL;

invoking use of the URL with a browser to thereby enable a user to redeem the coupon; and,

disabling future use of the invoked URL.

Payne arguably teaches that a purchase transaction begins when a user at buyer computer 12 requests advertisements (step 24) and buyer computer 12 accordingly sends an advertising document URL (universal resource locator) to merchant computer 14 (step 26) (Payne at figure 2, column 5, lines 16-20).

However, Payne fails to disclose, teach or suggest disabling future use of the invoked URL found within amended claim 24.

Moreover, the Office Action admits that Payne fails to disclose, teach or suggest disabling access to the URL by the user, and relies upon Official Notice for the features admittedly absent from within Payne.

In response, whereas the Office Action has indicated that the Response To Non-Final Office Action Of May 11, 2004 filed on August 10, 2004 is sufficient to overcome the use of 6,377,986 to Philyaw et al. (Philyaw) as a reference, the reasoning found within the rejection of claims 24 and 25 refer to Schreiber, although Schreiber is not included within the statement of the rejection. In this regard, the Office Action lacks clarity.

Moreover, as noted hereinabove, the Response To Non-Final Office Action Of May 11, 2004 provides that to the extent that U.S. Patent No. 6,298,446 to Schreiber is relied on for a disclosure having an effective date of May 11, 1999, the Applicant's Rule 131 declaration shows a conception of the use of the URL features at least as early as June 6, 1998 (the "Walsh memorandum as Exhibit D of the Declaration). Thus, the Applicant has antedated Schreiber as well.

Also note that while Schreiber arguably teaches the use Java applets of within web browsers to disable the menu that pops up when a user right clicks on a displayed image within his web browser (Schreiber at column 2, lines 37-40), Schreiber fails to disclose, teach or suggest that disabling the menu would disable access to the URL by the user.

The Office Action contends that the references cited within the "Conclusion" section found within the Office Action provide support for the use of Official Notice.

In response, the Conclusion lists prior art references that have been made of record and not relied upon. As a result, the specific references relied upon within the Office Action in the rejection of claims 24-25 and the extent to which they are been relied have not been set forth with particularity. Clarification is respectfully requested.

The Office Action asserts the use of a standard “IF-THEN” statement in support of its use of Official Notice.

In response, the Office Action contends that the Web Design Help reference listed as item “h” within the “Conclusion” section teaches the use of a standard “IF-THEN” statement. However, it is noted that that the Web Design Help reference has a publication date later than the filing date of the above-identified application and is disqualified as prior art.

But even if it is true that using Java applets to reset function keys to include the “Button” keys was well known prior to the invention, as the Office Action contend, the Office Action still fails to show that the feature absent within Payne of disabling access to the URL by the user was also well known prior to the invention.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 1-18, 22 and 23 were rejected under 35 U.S.C. §103 as allegedly being obvious over Payne in view of Stewart.

Claims 27, 29, 33-43, 45 and 46 were rejected under 35 U.S.C. §103 as allegedly being obvious over Stewart in view of Payne.

These rejections are traversed at least for the following reasons.

As noted above, Stewart arguably teaches a method and apparatus for a geographic-based communications service. Figure 1 of Stewart arguably teaches a geographic-based communications service system that includes a mobile unit (e.g., portable computer) 5, an AP

(access point) 10, an information provider 20, a management information base (MIB) 25 and a centralized network 15 (Stewart at column 3, lines 45-50).

Stewart arguably teaches a public switched telephone network (PSTN), whereby the user of the mobile unit 5 sends and receives information from/to the PSTN or other communication network through a service provider (Stewart at column 7, lines 52-55).

However, the Office Action fails to clearly set forth the feature found within Stewart that is intended to be the claimed device ID, and fails to clearly set forth the feature found within Stewart that is intended to be the claimed device information.

Moreover, Stewart fails to disclose, teach or suggest collecting device information from a user of a client system without obtaining information sufficient to specifically identify the user. As noted hereinabove, Stewart is not specific as to the type of information that is collected from the user of the mobile unit 5.

In addition, Stewart arguably teaches that mobile unit 5 would also be equipped with a code generator which generates *an identification code* that can be transmitted to and recognized by the access point 10 or a system accessed through access point 10 (Stewart at column 3, lines 57-60). Such *an identification code* found within Stewart allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism (Stewart at column 3, lines 60-63).

When a beacon signal output from the mobile unit 5 of Stewart is detected and received by AP 10, information in the beacon signal identifying the mobile unit is transmitted back to network 15, and the information sent back to network 15 includes the identification number of the mobile unit 5 and AP 10, thereby identifying both the user and his location to the network (Stewart at column 5, lines 40-46).

Using this identification and location data, Stewart further teaches that network 15 provides desired services (or arranges to provide desired services by accessing appropriate providers) and essential information to the user of the mobile unit 5 (Stewart at column 5, lines 46-50).

As another example within Stewart, when *the user* of the mobile unit 5 arrives at the airport, *his identity*, as well as the fact that he is at the airport, is detected by AP 10 and transmitted to the network, for example using the beacon signal emitted from his mobile unit 5 (Stewart at column 7, lines 8-13).

At the very least, collecting device information from a client system, *the device information being insufficient to specifically identify a user of the client system*; and associating a device ID with the device information at a main server system, *the device ID being insufficient to specifically identify the user* are not found within Stewart.

Payne arguably teaches that when the user receives the new account document he enters the new account name, an account password, a *credit card number*, the credit card expiration date, and security information such as the *maiden name of the user's mother* (step 54), and presses a "submit" button (Payne at figure 7, column 6, lines 22-26).

Moreover, collecting device information from a client system, *the device information being insufficient to specifically identify a user of the client system*; and associating a device ID with the device information at a main server system, *the device ID being insufficient to specifically identify the user* are not found within Payne.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number. I

f any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: December 23, 2004

Respectfully submitted,

By 

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Attachments: Replacement Sheets Abstract of the Disclosure

AMENDMENTS TO THE DRAWINGS

Please amend the drawings by entering the enclosed Replacement Sheets in place of those which were previously filed. *No new matter has been added.*

The attached sheet(s) of drawings includes the following changes.

Please amend Figure 4 by replacing “User Information” within block 107 with -- Device Information --.

Please amend Figure 4 by replacing “User ID” within block 108 with -- Device ID --

Please amend Figure 4 by replacing “User Information” within block 108 with -- Device Information --.

Please amend Figure 4 by replacing “User ID” within block 114 with -- Device ID --

Please amend Figure 8 by replacing “User ID” within block 178 with -- Device ID --

Attachment: Replacement sheets